

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

PHYLLIS M. SMITH,

Plaintiff,

v.

MICHAEL J. ASTRUE,  
Commissioner of Social Security,

Defendant.

**JUDGMENT**

No. 5:10-CV-399-FL

**Decision by Court.**

This action came before the Honorable Louise W. Flanagan, United States District Judge, for consideration of the parties' cross-motions for judgment on the pleadings and the memorandum and recommendation entered by the United States Magistrate Judge, to which plaintiff timely filed an objection.

**IT IS ORDERED, ADJUDGED AND DECREED** in accordance with the court's order entered March 19, 2012, and for the reasons set forth more specifically therein, that plaintiff's motion for judgment on the pleadings is denied and defendant's motion for judgment on the pleadings is granted. The decision of the commissioner is upheld and this matter is dismissed.

**This Judgment Filed and Entered on March 19, 2012, and Copies To:**

Charlotte Williams Hall (via CM/ECF Notice of Electronic Filing)

Diane S. Griffin (via CM/ECF Notice of Electronic Filing)

Eskunder R.T. Boyd (via CM/ECF Notice of Electronic Filing)

March 19, 2012

JULIE A. RICHARDS, CLERK

/s/ Christa N. Baker

(By) Christa N. Baker, Deputy Clerk